

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

MARY KAY INC., §  
§  
Plaintiff, §  
§  
v. § Civil Action No. 3:08-CV-00776-G  
§  
AMY L. WEBER, SCOTT J. WEBER,  
and TOUCH OF PINK COSMETICS, §  
§  
Defendants. §

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**UNOPPOSED MOTION FOR LEAVE TO FILE PLAINTIFF MARY KAY INC.'S  
RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT AND APPENDIX IN SUPPORT OF ITS RESPONSE IN OPPOSITION TO  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT UNDER SEAL**

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Plaintiff Mary Kay Inc. ("Mary Kay) files this Unopposed Motion for Leave to File Under Seal its Response in Opposition to Defendants' Motion for Summary Judgment and Appendix in Support of its Response in Opposition to Defendants' Motion for Summary Judgment, and would show as follows:

In opposition to Defendants' motion for summary judgment, which was filed on November 26, 2008, Mary Kay has prepared (1) a Response in Opposition to Defendants' Motion for Summary Judgment and (2) an Appendix in Support of its Response in Opposition to Defendants' Motion for Summary Judgment. Pursuant to the Agreed Protective Order, signed by the Court on July 14, 2008, Mary Kay requests that the Court file these two pleadings under seal. These pleadings contain information that has been designated by Defendants as "Attorney's Eyes Only," and which pursuant to the referenced Agreed Protective Order, must be filed under seal. Accordingly, counsel for Mary Kay and Defendants agree that the pleadings should be filed

under seal. Therefore, Defendant asks the Court for leave to file Mary Kay's Response in Opposition to Defendants' Motion for Summary Judgment and Appendix in Support of its Response in Opposition to Defendants' Motion for Summary Judgment under seal.

**CONCLUSION & PRAYER**

For the foregoing reasons, Defendant respectfully requests that the Court grant this Motion, and direct the Clerk of Court to file under seal Plaintiff Mary Kay's Response in Opposition to Defendants' Motion for Summary Judgment and Appendix in Support of its Response in Opposition to Defendants' Motion for Summary Judgment.

Dated: December 15, 2008

Respectfully submitted,

/s/ Angela V. Colmenero

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ATTORNEYS FOR MARY KAY INC.

**CERTIFICATE OF CONFERENCE**

On December 15, 2008, counsel for Plaintiff conferred with counsel for Defendants regarding the relief requested in this motion. Counsel for Defendants has informed counsel for Plaintiff that she does not oppose this motion and the filing of these documents under seal.

Certified to this 15th day of December, 2008.

*/s/ Angela V. Colmenero*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing was served by ECF on this 15th day of December, 2008:

Elizann Carroll, Esq.  
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*/s/ Angela V. Colmenero*